

Report To:	CABINET
Date:	8TH APRIL 2024
Heading:	EQUALITY, DIVERSITY & INCLUSION POLICY
Executive Lead Member:	CLLR VICKI HESLOP – EXECUTIVE LEAD MEMBER FOR GOVERNANCE
Ward/s:	ALL
Key Decision:	YES
Subject to Call-In:	YES

Purpose of Report

To consider and formally approve the adoption of the proposed Equality, Diversity and Inclusion Policy to replace the former Corporate Equality and Inclusion Policy 2017-2021.

Recommendation(s)

Approval is sought from Cabinet to:

1. Formally approve the adoption of the proposed Equality, Diversity and Inclusion Policy to replace the former Corporate Equality and Inclusion Policy 2017-2021.
2. Note the initial findings of the recent review of equalities across the Council and note suggested improvements including the establishment of an Equalities Monitoring Group.

Reasons for Recommendation(s)

To demonstrate the Council's commitment to equality, diversity and inclusion (ED&I) and to comply with equality legislation.

Alternative Options Considered

Not to approve the Equality, Diversity and Inclusion policy; this is not recommended as it could result in the Council not achieving its equality objectives and not complying with legislative requirements.

Detailed Information

A review of equalities, diversity and inclusion has been carried out to assess how the Council continues to meet its obligations under the Equality Act 2010 and the Public Sector Equality Duty (PSED) with the aim of ensuring that equality, diversity and inclusion is at the heart of everything we do at Ashfield District Council. The objectives of the review were:

- To ensure that the Council continues to meet its obligations under the Equality Act 2010 and the Public Sector Equality Duty (PSED) – the Equalities Scheme 2022-26 sets our objectives, and the annual Position Statement demonstrates progress against the objectives;
- To ensure residents and staff are treated fairly and equitably;
- To ensure that staff understand the Council's equality duties and are able to apply this to the work that they do;
- To ensure that access is given to all staff to undertake relevant and appropriate training;
- To ensure that all documentation and policies are compliant with equality duties;
- To ensure that likely equalities issues are considered in decision – making, and that communities are involved in that process;
- To ensure effective equality monitoring so that services are accessible to everyone who needs to use them;
- To ensure that the recruitment process continues to encourage and enable all possible candidates to join the workforce.

As part of the review, an employee survey was carried out. Whilst the response level was low, the survey highlighted the most positive results in relation to policies and procedures, respect for individuals of all cultures, that employees of all ages are valued and knowing how to report incidents of discrimination. Some employees who completed the survey felt that training that promotes diversity, equality and inclusion in the workplace can be improved and not everyone felt that there are career development opportunities for everyone regardless of differences.

The review has been carried out using the LGA Equality Framework for Local Government which sets out three levels of achievement – developing, achieving and excellent. The Council has self-assessed as achieving and the framework sets out four modules for improvement which have been used as the basis for the Council's draft Improvement Plan. It is proposed that an Equalities Monitoring Group will be formed, part of the Group's role will be to finalise and oversee the rolling Equalities Improvement Plan. The four modules for improvement with associated suggested improvements are as follows:

1. Understanding and working with your communities

The residents' survey will be analysed to help information gathering about the local communities and their protected characteristics. An action plan is already in place to review the characteristic information held on tenants, and tenancy audits are to be introduced to ensure that the information we hold on our tenants is accurate and up to date. The new Corporate Plan will be implemented and monitored through service plans, project and performance management. A review of equality impact assessments (EIA's) will take place and there will be a focus on ensuring that EIA's are used appropriately to inform decision making. The Citizen's Panel should be re-invigorated and the Council will continue to review and expand the ways we engage with our communities.

2. Leadership, partnership and organisational commitment

A commitment to equality in decision making needs to be consistently demonstrated with

senior leaders and members acting as ambassadors for the equality agenda. Equality impact assessments must be sufficiently robust and used appropriately. The Select Committee function should be used to support and challenge progress on equality and an Equalities Monitoring Group with responsibility for the equality agenda should be formed. Success in working with partners in the public, private, community and voluntary sectors to address equality priorities should be demonstrated and reviewed on a regular basis.

3. Responsive services and customer care

Through appropriate procurement processes, procured services should be helping to deliver the Council's equality objectives and service plans should be reviewed to ensure that equality objectives are being met. Customer satisfaction and policies such as safeguarding and reasonable adjustments should be reviewed to ensure that equalities are accounted for as well as ensuring that employees and decision makers have up to date knowledge about human rights.

4. Diverse and engaged workforce

The Organisational Development Strategy is being refreshed, and the revised recruitment and selection strategy should include encouraging a more diverse workforce. The Council should continue to carry out the employee survey with the Working Together Group focussing on actions and areas for improvement. An improved response rate to the ED & I survey should be encouraged and training opportunities need to be reviewed particularly in the area of ED&I.

Implications

Corporate Plan:

The adoption of this Policy supports the Council's Corporate Plan for 2023-2027 which sets out an ambitious programme for the Council including a firm commitment to enabling everyone to live healthier and happier lives, to prosper in their communities and remain independent throughout life.

Legal:

The general equality duty was created by the Equality Act 2010, which replaced the public sector race, disability and gender equality duties which existed previously. The duty now covers the wider protected characteristics of age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief, and sexual orientation. The general equality duty is set out in s149 of the Equality Act and requires public authorities to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons with protected characteristics and those without; and foster good relations between persons with protected characteristics and those without.

The Equality Duty is supported by specific duties which require public bodies to publish relevant, proportionate information demonstrating their compliance with the Equality Duty; and to set themselves specific, measurable equality objectives at least every four years. All information must be published in a way which makes it easy for people to access it.

The Council is further subject to a duty under the Crime and Disorder Act 1998 to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area including anti-social behaviour, substance misuse and other behaviour adversely affecting the local environment. [RLD 29/02/2024]

Finance: There are no direct financial implications arising from this report. [PH 27/02/2024].

Budget Area	Implication
General Fund – Revenue Budget	N/A
General Fund – Capital Programme	N/A
Housing Revenue Account – Revenue Budget	N/A
Housing Revenue Account – Capital Programme	N/A

Risk:

Risk	Mitigation

Human Resources:

As detailed in the legal comments there is duty under the Equality Act which is embedded into our policies and procedures in terms of HR. The Organisational Development Plan also identifies areas of review and improvement as part of the action plan. However there is a requirement for an overview which encompasses all aspects which the Policy covers and the Equalities Monitoring Group would ensure compliance and improvement across all areas. [KB 05/03/2024]

Environmental/Sustainability:

n/a

Equalities:

An equalities impact assessment has been carried out. Adoption of the Policy, implementation of the Improvement Plan and suggested actions will have a positive impact on all protected characteristics. It is acknowledged that there is no hierarchy of rights in the Equality Act 2010 or the policy, and that occasionally actions to support one protected characteristic may inadvertently discriminate against people sharing another protected characteristic. Where this occurs each case will be looked at with reference to case law and best practice to ensure that the action is proportionate and necessary to achieve a legitimate aim.

In addition to the nine Protected Characteristics set out in the Equality Act 2010, the Council has formally and voluntarily agreed to recognise care experience as a protected characteristic - <https://democracy.ashfield.gov.uk/documents/g4533/Printed%20minutes%2029th-Sep-2022%2019.00%20Council.pdf?T=1>

Other Implications:

n/a

Reason(s) for Urgency

n/a

Reason(s) for Exemption

n/a

Background Papers

Draft Equality, Diversity and Inclusion Policy 2024
Equality Impact Assessment ED&I Policy

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